



Rep. Lou Lang

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1 AMENDMENT TO SENATE BILL 1849

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1849, AS AMENDED,  
3 with reference to page and line numbers of House Amendment No.  
4 2 as follows:

5 on page 81, line 3, after "for", by inserting "operational";  
6 and

7 on page 84, line 3, after "County", by inserting ", including,  
8 but not limited to, track surfaces (main track and practice  
9 track), grandstands, audio and visual systems, paddocks and  
10 barns and associated surface areas, restroom facilities on the  
11 backstretch, and roadway surfaces around the racing facility";  
12 and

13 on page 84, line 5, after the period, by inserting "Such amount  
14 shall not be less than \$10,000,000 annually."; and

1 on page 84, line 17, by deleting "solely"; and

2 on page 84, line 20, after the period, by inserting  
3 "Additionally, the first \$5,000,000 of deposits into the Fund  
4 shall be used for promotional costs associated with the  
5 Illinois State Fairgrounds in Sangamon County."; and

6 by replacing line 2 on page 143 through line 11 on page 144  
7 with the following:

8 "(e-1) In awarding standardbred racing dates for calendar  
9 year 2013 and thereafter, the Board shall award at least 310  
10 racing days, and each organization licensee shall average at  
11 least 12 races for each racing day awarded. The Board shall  
12 have the discretion to allocate those racing days among  
13 organization licensees requesting standardbred racing dates.  
14 Once awarded by the Board, organization licensees awarded  
15 standardbred racing dates shall run at least 3,500 races in  
16 total during that calendar year. Standardbred racing conducted  
17 in Sangamon County shall not be considered races under this  
18 subsection (e-1).

19 (e-2) In awarding racing dates for calendar year 2013 and  
20 thereafter, the Board shall award thoroughbred racing days to  
21 Cook County organization licensees commensurate with these  
22 organization licensees' requirement that they shall run at  
23 least 1,950 thoroughbred races in the aggregate, so long as 2  
24 organization licensees are conducting electronic gaming

1 operations. Additionally, if the organization licensees that  
2 run thoroughbred races in Cook County are conducting electronic  
3 gaming operations, the Board shall increase the number of  
4 thoroughbred races to be run in Cook County in the aggregate to  
5 at least the following:

6 (i) 2,050 races in any year following the most recent  
7 preceding complete calendar year when the combined  
8 adjusted gross receipts of the electronic gaming licensees  
9 operating at Cook County racetracks total in excess of  
10 \$200,000,000, but do not exceed \$250,000,000;

11 (ii) 2,125 races in any year following the most recent  
12 preceding complete calendar year when the combined  
13 adjusted gross receipts of the electronic gaming licensees  
14 operating at Cook County racetracks total in excess of  
15 \$250,000,000, but do not exceed \$300,000,000;

16 (iii) 2,200 races in any year following the most recent  
17 preceding complete calendar year when the combined  
18 adjusted gross receipts of the electronic gaming licensees  
19 operating at Cook County racetracks total in excess of  
20 \$300,000,000, but do not exceed \$350,000,000;

21 (iv) 2,300 races in any year following the most recent  
22 preceding complete calendar year when the combined  
23 adjusted gross receipts of the electronic gaming licensees  
24 operating at Cook County racetracks total in excess of  
25 \$350,000,000, but do not exceed \$400,000,000;

26 (v) 2,375 races in any year following the most recent

1       preceding complete calendar year when the combined  
2       adjusted gross receipts of the electronic gaming licensees  
3       operating at Cook County racetracks total in excess of  
4       \$400,000,000, but do not exceed \$450,000,000;

5       (vi) 2,450 races in any year following the most recent  
6       preceding complete calendar year when the combined  
7       adjusted gross receipts of the electronic gaming licensees  
8       operating at Cook County racetracks total in excess of  
9       \$450,000,000, but do not exceed \$500,000,000; and

10       (vii) 2,550 races in any year following the most recent  
11       preceding complete calendar year when the combined  
12       adjusted gross receipts of the electronic gaming licensees  
13       operating at Cook County racetracks exceeds \$500,000,000.

14       In awarding racing dates under this subsection (e-2), the  
15       Board shall have the discretion to allocate those thoroughbred  
16       racing dates among these Cook County organization licensees.

17       (e-3) In awarding racing dates for calendar year 2013 and  
18       thereafter in connection with a race track in Madison County,  
19       the Board shall award racing dates and such organization  
20       licensee shall run at least 700 thoroughbred races at the race  
21       track in Madison County each year.

22       Notwithstanding Section 7.6 of the Illinois Gambling Act or  
23       any provision of this Act other than subsection (e-4.5), for  
24       each calendar year for which an electronic gaming licensee  
25       located in Madison County requests racing dates resulting in  
26       less than 700 live thoroughbred races at its race track

1 facility, the electronic gaming licensee may not conduct  
2 electronic gaming for the calendar year of such requested live  
3 races.

4 (e-4) Notwithstanding the provisions of Section 7.6 of the  
5 Illinois Gambling Act or any provision of this Act other than  
6 subsections (e-3) and (e-4.5), for each calendar year for which  
7 an electronic gaming licensee requests racing dates for a  
8 specific horse breed which results in a number of live races  
9 for that specific breed under its organization license that is  
10 less than the total number of live races for that specific  
11 breed which it conducted in 2011 for standardbred racing and in  
12 2009 for thoroughbred racing at its race track facility, the  
13 electronic gaming licensee may not conduct electronic gaming  
14 for the calendar year of such requested live races.

15 (e-4.5) The Board shall ensure that each organization  
16 licensee shall individually run a sufficient number of races  
17 per year to qualify for an electronic gaming license under this  
18 Act. The General Assembly finds that the minimum live racing  
19 guarantees contained in subsections (e-1), (e-2), and (e-3) are  
20 in the best interest of the sport of horse racing, and that  
21 such guarantees may only be reduced in the limited  
22 circumstances described in this subsection. The Board may  
23 decrease the number of racing days without affecting an  
24 organization licensee's ability to conduct electronic gaming  
25 only if the Board determines, after notice and hearing, that:

26 (i) a decrease is necessary to maintain a sufficient

1 number of betting interests per race to ensure the  
2 integrity of racing;

3 (ii) there are unsafe track conditions due to weather  
4 or acts of God;

5 (iii) there is an agreement between an organization  
6 licensee and the breed association that is applicable to  
7 the involved live racing guarantee, such association  
8 representing either the largest number of thoroughbred  
9 owners and trainers or the largest number of standardbred  
10 owners, trainers and drivers who race horses at the  
11 involved organization licensee's racing meeting, so long  
12 as the agreement does not compromise the integrity of the  
13 sport of horse racing; or

14 (iv) the horse population or purse levels are  
15 insufficient to provide the number of racing opportunities  
16 otherwise required in this Act.

17 In decreasing the number of racing dates in accordance with  
18 this subsection, the Board shall hold a hearing and shall  
19 provide the public and all interested parties notice and an  
20 opportunity to be heard. The Board shall accept testimony from  
21 all interested parties, including any association representing  
22 owners, trainers, jockeys, or drivers who will be affected by  
23 the decrease in racing dates. The Board shall provide a written  
24 explanation of the reasons for the decrease and the Board's  
25 findings. The written explanation shall include a listing and  
26 content of all communication between any party and any Illinois

1 Racing Board member or staff that does not take place at a  
2 public meeting of the Board."; and

3 on page 241, line 12, by replacing "Gaming" with "Gambling";  
4 and

5 on page 242, lines 11 and 23, by replacing "owners or trainers"  
6 each time it appears with "owners and trainers"; and

7 on page 243, line 9, by replacing "owners or trainers" with  
8 "owners and trainers"; and

9 on page 245, by deleting lines 13 through 22; and

10 by replacing line 6 on page 246 through line 2 on page 247 with  
11 the following:

12 "(230 ILCS 10/2) (from Ch. 120, par. 2402)

13 Sec. 2. Legislative Intent.

14 (a) This Act is intended to benefit the people of the State  
15 of Illinois by assisting economic development, ~~and~~ promoting  
16 Illinois tourism and agriculture, assisting conservation and  
17 forestry programs, funding programs that assist the people of  
18 the State of Illinois during difficult economic conditions, ~~and~~  
19 ~~by~~ increasing the amount of revenues available to the State to  
20 assist and support education, and by supporting programs that

1 enhance the beauty of the State and its parks, rivers, forest  
2 preserves, and botanic gardens.

3 (b) While authorization of riverboat and casino gambling  
4 will enhance investment, beautification, development and  
5 tourism in Illinois, it is recognized that it will do so  
6 successfully only if public confidence and trust in the  
7 credibility and integrity of the gambling operations and the  
8 regulatory process is maintained. Therefore, regulatory  
9 provisions of this Act are designed to strictly regulate the  
10 facilities, persons, associations and practices related to  
11 gambling operations pursuant to the police powers of the State,  
12 including comprehensive law enforcement supervision.

13 (c) The Illinois Gaming Board established under this Act  
14 should, as soon as possible, inform each applicant for an  
15 owners license of the Board's intent to grant or deny a  
16 license.

17 (Source: P.A. 93-28, eff. 6-20-03.)"; and

18 on page 280, line 11, after "locations", by inserting "and  
19 those obtained by owners licensees conducting gaming  
20 operations on the effective date of this amendatory Act of the  
21 97th General Assembly"; and

22 on page 299, line 20, after the period, by inserting "Nothing  
23 in this paragraph shall prevent an owners licensee from  
24 immediately having up to 1,600 gaming positions in operation on

1 the effective date of this amendatory Act of the 97th General  
2 Assembly upon receipt of the required payment for the gaming  
3 positions."; and

4 on page 300, line 5, after "paid.", by inserting "The Board  
5 may, after holding a public hearing, grant extensions so long  
6 as a licensed owner is working in good faith to make the  
7 positions operational. The extension may be for a period of 6  
8 months. If, after the period of the extension, a licensed owner  
9 has not made the positions operational, then another public  
10 hearing must be held by the Board before it may grant another  
11 extension."; and

12 on page 301, immediately below line 1, by inserting the  
13 following:

14 "Unreserved gaming positions retained from and allocated  
15 to owners licensees by the Board pursuant to this subsection  
16 (h-10) shall not be allocated to electronic gaming licensees  
17 pursuant to subsection (e) of Section 7.6 of this Act."; and

18 on page 308, line 17, after "year", by inserting "or for a  
19 licensee that is only authorized 350 gaming positions pursuant  
20 to subsection (d) of Section 7.6 of this Act, 96 live races per  
21 year until such time as the total number of gaming positions is  
22 increased to 900"; and

1 on page 309, line 8, by replacing "license" with "licensee";  
2 and

3 on page 309, line 22, after "County", by inserting "whose  
4 electronic gaming license originates with an organization  
5 licensee"; and

6 on page 309, line 24, after "County", by inserting "whose  
7 electronic gaming license originates with an organization  
8 licensee"; and

9 on page 309, line 26, after "licensee", by inserting "whose  
10 electronic gaming license originates with an organization  
11 licensee"; and

12 on page 310, line 3, by replacing "license conducted 25" with  
13 "licensee conducted 96"; and

14 on page 310, by replacing lines 5 through 20 with the  
15 following:

16 "(e) Each applicant for an electronic gaming license shall  
17 specify in its application for licensure the number of gaming  
18 positions it will operate, up to the applicable limitation set  
19 forth in subsection (d) of this Section. Any unreserved gaming  
20 positions that are not specified shall be forfeited and  
21 retained by the Board. For the purposes of this subsection (e),

1 an electronic gaming licensee that did not conduct live racing  
2 in 2010 may reserve up to 900 positions and shall not be  
3 penalized under this Section for not operating those positions  
4 until it meets the requirements of subsection (d) of this  
5 Section, but such licensee shall not request unreserved gaming  
6 positions under this subsection (e) until its 900 positions are  
7 all operational.

8 Thereafter, the Board shall offer any unreserved gaming  
9 positions in equal amounts to electronic gaming licensees, or  
10 applicants therefor, that have purchased all of the positions  
11 that were offered. This process shall continue until all  
12 unreserved gaming positions have been purchased. All positions  
13 obtained pursuant to this process and all positions the  
14 electronic gaming licensee specified it would operate in its  
15 application must be in operation within 18 months after they  
16 were obtained or the electronic gaming licensee forfeits the  
17 right to operate those positions, but is not entitled to a  
18 refund of any fees paid. The Board may, after holding a public  
19 hearing, grant extensions so long as the electronic gaming  
20 licensee is working in good faith to make the positions  
21 operational. The extension may be for a period of 6 months. If,  
22 after the period of the extension, the electronic gaming  
23 licensee has not made the positions operational, then another  
24 public hearing must be held by the Board before it may grant  
25 another extension.

26 Unreserved gaming positions retained from and allocated to

1 electronic gaming licensees by the Board pursuant to this  
2 subsection (e) shall not be allocated to owners licensees  
3 pursuant to subsection (h-10) of Section 7 of this Act.

4 For the purpose of this subsection (e), the unreserved  
5 gaming positions for each electronic gaming licensee shall be  
6 the applicable limitation set forth in subsection (d) of this  
7 Section, less the number of reserved gaming positions by such  
8 electronic gaming licensee, and the total unreserved gaming  
9 positions shall be the aggregate of the unreserved gaming  
10 positions for all electronic gaming licensees."; and

11 on page 341, lines 4 and 5, by replacing "on December 31, 2103"  
12 with "upon the imposition of the privilege tax under subsection  
13 (a-5) of this Section"; and

14 on page 341, line 26, by replacing "January 1, 2014" with "the  
15 date when at least 500 additional gaming positions authorized  
16 by this amendatory Act of the 97th General Assembly are being  
17 used to conduct gambling operations"; and

18 on page 342, immediately below line 25, by inserting the  
19 following:

20 "For the imposition of the privilege tax in this subsection  
21 (a-4), amounts paid pursuant to item (1) of subsection (b) of  
22 Section 56 of the Illinois Horse Racing Act of 1975 shall not  
23 be included in the determination of adjusted gross receipts.";

1 and

2 on page 344, line 16, by replacing "subsection" with  
3 "subsections (a-4) and"; and

4 on page 344, line 26, by replacing "subsection" with  
5 "subsections (a-4) and"; and

6 on page 352, line 20, by replacing "\$5,000,000" with  
7 "\$6,000,000"; and

8 on page 353, line 4, after "\$100,000" by inserting ", except  
9 for an annual grant of \$1,000,000 that shall be made to the  
10 Illinois Standardbred Breeders Fund and used for Illinois-bred  
11 harness racing purses and the Illinois State Fair race track.";  
12 and

13 on page 354, line 3, by replacing "\$10,000,000" with  
14 "\$12,500,000"; and

15 on page 354, line 5, by replacing "\$1,000,000" with  
16 "\$1,500,000"; and

17 on page 354, line 7, by replacing "\$2,500,000" with  
18 "\$3,000,000"; and

1 on page 354, line 10, by replacing "\$2,500,000" with  
2 "\$3,000,000"; and

3 on page 354, line 12, by replacing "\$4,000,000" with  
4 "\$5,000,000"; and

5 on page 354, line 14, by replacing "\$1,000,000" with  
6 "\$6,000,000"; and

7 on page 365, immediately below line 19, by inserting the  
8 following:

9 "Section 90-42. The Video Gaming Act is amended by changing  
10 Section 78 as follows:

11 (230 ILCS 40/78)

12 Sec. 78. Authority of the Illinois Gaming Board.

13 (a) The Board shall have jurisdiction over and shall  
14 supervise all gaming operations governed by this Act. The Board  
15 shall have all powers necessary and proper to fully and  
16 effectively execute the provisions of this Act, including, but  
17 not limited to, the following:

18 (1) To investigate applicants and determine the  
19 eligibility of applicants for licenses and to select among  
20 competing applicants the applicants which best serve the  
21 interests of the citizens of Illinois.

1           (2) To have jurisdiction and supervision over all video  
2 gaming operations in this State and all persons in  
3 establishments where video gaming operations are  
4 conducted.

5           (3) To adopt rules for the purpose of administering the  
6 provisions of this Act and to prescribe rules, regulations,  
7 and conditions under which all video gaming in the State  
8 shall be conducted. Such rules and regulations are to  
9 provide for the prevention of practices detrimental to the  
10 public interest and for the best interests of video gaming,  
11 including rules and regulations regarding the inspection  
12 of such establishments and the review of any permits or  
13 licenses necessary to operate an establishment under any  
14 laws or regulations applicable to establishments and to  
15 impose penalties for violations of this Act and its rules.

16           (b) The Board shall adopt emergency rules to administer  
17 this Act in accordance with Section 5-45 of the Illinois  
18 Administrative Procedure Act. For the purposes of the Illinois  
19 Administrative Procedure Act, the General Assembly finds that  
20 the adoption of rules to implement this Act is deemed an  
21 emergency and necessary to the public interest, safety, and  
22 welfare.

23           (c) Within 120 days after the effective date of this  
24 amendatory Act of the 97th General Assembly, the Board shall  
25 select and execute a contract with a vendor for the central  
26 communications system and make applications for licensed

1 establishments, licensed fraternal establishments, licensed  
2 veterans establishments, and licensed truck stop  
3 establishments available for potential applicants. The Board  
4 shall make every reasonable effort to ensure that video gaming  
5 operations are being conducted in this State by no later than  
6 January 1, 2013.

7 (Source: P.A. 96-38, eff. 7-13-09; 96-1410, eff. 7-30-10.)".